IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 13399 of 2004

Between:

Govind Jayanth Kumar S/o Rajesham
H.No.1-1-162/1, Ashok Nagar, Manuguru, Khammam District

..... PETITIONER

AND

1 The Mandal Revenue Officer Manuguru, Manuguru Mandal, Khammam District
2 Kasukurthi Mohan Rao S/o Tirupataiah
SCC Ltd., Ashok Nagar , Main Road, Manuguru, Khammam district
3 Kasukurthi Suresh S/o Mohan Rao
Ashok Nagar , Main Road, Manuguru, Khammam district
4 Badey Karunakar S/o Suraiah
Saibaba Temple, Sainagar, Ashok Nagar Manuguru, Khammam district
5 Posam Bahasker S/o Venkataiah
Ashok Nagar Manuguru, Khammam district

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 1st respondent in trying to demolish the petitioner house and also taking steps to dispossess from H.No.1-1-162/1, Ashok Nagar, Manuguru, Khammam District, at the instance of the respondent No. 2 to 5 without notice and without following procedure prescribed under Land

Encroachment Act is illegal and void and opposed to Article 14,19, 21 and 300(A) of the Constitution of India and consequently to direct the respondents to take any action against the petitioner after following due process of law.

Counsel for the Petitioner:MR.MUMMANENI.SRINIVASA RAO

Counsel for the Respondent No.1: GP FOR REVENUE

The Court, at the stage of admission, made the following :

ORDER

Petitioner claims to be occupied a vacant site and constructed a house and the same was assessed by the Gram Panchayat by allotting H.No.1-1-162/1, Ashoknagar, Manuguru Village, Khammam District. It is alleged that respondents 2 to 5, with a view to grab the house site, approached the first respondent-Mandal Revenue Officer and brought pressure for taking steps to evict the petitioner from the property in question and in the process, the first respondent along with respondents 2 to 5 came to the petitioner's house and threatened to dispossess him. Hence, the writ petition.

The impleadment of first respondent-Mandal Revenue Officer, on the ground that at the instance of respondents 2 to 5 he is threatening to dispossess the petitioner, is only a ruse to maintain the writ petition. Learned Government Pleader for Revenue, on instructions, submits that the first respondent never interfered with the alleged possession of the petitioner, and he is in no way concerned with the dispute.

In view of the above, if really respondents 2 to 5 are interfering with the possession of the petitioner, it is for him to avail appropriate remedy by approaching a competent civil court, to safeguard his rights, if any, over the property. It is need- less to say that the first respondent cannot interfere with the possession of the petitioner, without following the due procedure as contemplated under law.

With the above observation, the writ petition is disposed of. No order as to costs.

A. GOPAL REDDY. J.

07th October, 2004

tsr.

To

1 The Mandal Revenue Officer Manuguru, Manuguru Mandal, Khammam District

4 Two CCs to Government Pleader for Revenue, High Court Buildings, Hyderabad. (OUT).

5 Two CD copies.